

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
NEW ALBANY DIVISION

IN RE: BRUCE L. MCMULLEN  
REBECCA J. MCMULLEN

DEBTORS

CASE NO: 15-90429-BHL-13

**OBJECTION TO DEBTOR(S)' MOTION TO MODIFY PLAN POST-CONFIRMATION**

Comes now, the Chapter 13 Trustee, Joseph M. Black, Jr. ("Trustee") and objects to the Motion to Modify Plan Post-Confirmation filed November 28, 2017. As grounds for his Objection, the Trustee would advise the Court as follows:

1. On November 28, 2017 Debtors filed their Motion to Modify Plan to surrender their 2008 Dodge Ram to Huntington National Bank.
2. The Motion to Modify Plan proposes to reduce Debtors' Plan payments by \$490.00, from \$1,065.00 per month to \$575.00 per month.
3. Nothing in Debtors' Motion to Modify Plan indicates that there has been any change in Debtors' monthly disposable income.
4. Debtors have not filed an amended Schedule I or J.
5. Debtors' proposed modification fails to satisfy the best interest of creditors test, which requires that unsecured creditors with allowed claims be paid \$29,100.44 or 100% of their claims, whichever is less.
6. Debtors' proposed modification fails to satisfy the required minimum payment to the unsecured creditors with allowed claims by approximately \$8,200.00.

WHEREFORE, the Trustee requests the Court deny the Motion to Modify Plan Post-Confirmation.

Dated: December 19, 2017

Respectfully Submitted,

/s/ Joseph M. Black, Jr.

Joseph M. Black, Jr.  
Chapter 13 Standing Trustee  
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CERTIFICATE OF SERVICE

I hereby certify that on December 19, 2017, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

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I further certify that on December 19, 2017, a copy of the foregoing pleading was mailed by first-class, U.S. Mail, postage prepaid, and properly addressed to the following:

Bruce L. McMullen  
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/s/ Joseph M. Black, Jr.  
Joseph M. Black, Jr., Trustee